



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,116	10/15/2001	John C. Hicks	01-03	1733
40816	7590	08/25/2004		
BRADLEY D. GOLDIZEN 505 SOUTH INDEPENDENCE BOULEVARD, SUITE 102 VIRGINIA BEACH, VA 23452			EXAMINER BREVARD, MAERENA W	
			ART UNIT 3727	PAPER NUMBER

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/977,116	HICKS, JOHN C.
	Examiner	Art Unit
	Maerena W. Brevard	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 May 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 4-8, 10, 11, 13-15, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Price.

Price discloses a device for conducting reconnoiter and rescue operations in a darkened or burning structure, comprising:

- A rope (30);
- A bag (22) for storing the rope;
- An attachment means for attaching the bag onto a firefighter's equipment comprising a retaining strap (16) and a belt strap (12);
- A quick connection means (32) affixed at the end of the rope;
- Means for aiding the rope in playing out from the bag properly (Page 2, lines 12-14);
- The means for aiding is a snap fastener (28);
- Means for attaching (12) the bag to a firefighter's equipment;
- Means for securing (34) the rope within the bag; and
- A means for removably securing the quick connection means (fastener, Figure 6).

Regarding claims 5 and 6, in as much structure set forth by applicant, the pocket (14) and flap is clearly capable of receiving the quick connect means (32) if so desired, since the claims do not require the pocket to be on the bag.

3. Claims 1, 4, 7, 10, 11, 13, 14, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Groover.

In accordance with MPEP 2111 and 2112, Groover discloses a device (10) capable of being used for conducting reconnoiter and rescue operations in a darkened or burning structure, comprising:

- Means for coupling (24) a firefighter with a hose line or main line search rope;
- Means for storing (13) the rope;
- An attachment means (23) capable of attaching the bag onto a firefighter's equipment comprising a retaining strap attachable to a belt strap;
- A quick connection means (Column 3, lines 15-17) affixable at the end of the rope;
- Means for aiding the rope in playing out from the bag properly (18);
- Means capable of attaching (23) the bag to a firefighter's equipment; and
- Means for securing (18, 26) the rope within the bag.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 3, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groover.

Groover discloses the claimed invention except a grommet affixed to the attachment hole (18). Official Notice is taken that it is well known to provide a grommet about an opening for

reinforcement. It would have been obvious, if not already, to affix a grommet to the hole for reinforcement.

Regarding claim 3, the rope comprises a knot (26, 29) on either side of the hole.

Regarding claim 9, the quick connection means comprises a carabineer (Column 3, line 17).

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Green et al.

Price discloses a rope, but does not teach the rope comprised of flame-retardant material. However, Green teaches a flame retardant rope (Column 1, lines 26-27). It would have been obvious to use the flame retardant material as taught by Green on the rope of Price. Doing so would provide assurance against destruction during a fire emergency.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Dowe, Sr.

Price discloses a bag for retaining the rope, but does not teach the bag comprised of flame-retardant material. However, Dowe teaches a flame retardant bag (40) for retaining an emergency escape ladder. It would have been obvious to use the flame retardant material as taught by Dowe on the bag of Price. Doing so would provide assurance against destruction during a fire emergency.

Response to Arguments

8. Applicant's arguments filed 5/3/04 have been fully considered but they are not persuasive. The cited art reads on the amended limitations to the same degree as claimed.

9. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

10. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maerena W. Brevard whose telephone number is 703/305-0037. The examiner can normally be reached on M-Th; 8:00 AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703/308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lwy
Maerena Brevard
August 20, 2004

*lwy
8/20/04*
LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700